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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/135,549	07/18/1998	MATS HYLIN	PM255503	9484

7590 04/19/2005

PILLSBURY MADISON & SUTRO
INTELLECTUAL PROPERTY GROUP
1100 NEW YORK AVE. NW
NINTH FLOOR-EAST TOWER
WASHINGTON, DC 200053918

EXAMINER

LEWIS, DAVID LEE

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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OIPE/JCWS

Office Action Summary

Application No.

09/135,549

Applicant(s)

HYLIN ET AL.

Examiner

David L Lewis

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/13/98, 4/3/01</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-21 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 5, 8, 9, 10, 13, 20, and 21 of U.S. Patent No. 6,005,534. Although the conflicting claims are not identical, they are not patentably distinct from each other because they essentially claim the same subject matter with the distinction being the control of television sets or cameras versus projectors. Television sets are known in the art to be of the projector type. Wherein said claims detail an exposure list and dynamic booking of information in time for exposure from mediators. Claims 1 and 11 in the present application details a method of coordinating and controlling projectors. Claim 1 and 13 in the patent (534) details a method of coordinating and controlling television sets and or cameras. The distinction being television sets or cameras versus projectors. Televisions are known to have projector systems. Claims 1 and 11 in the present application details generating

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an exposure list comprising control instructions with regard to what, when, where, and how. Claim 1 and 13 in the present patent (534) details generating an exposure list that specifies display content, display location, timing of display, and duration of such display. While worded differently the limitation in each case is essentially the same. Claims 1 and 11 in the present application details an exposure list being updated in real time. Claim 1 and 13 in the present patent (534) details an exposure list being updated in real time. While worded differently the limitation in each case is essentially the same. Claims 1 and 11 in the present application details independent control of the television or camera as provided by the information in the exposure list. Claim 1 and 13 in the present patent (534) details independent control of the projectors as provided for by the information in the exposure list. Claims 1 and 11 in the present application details a control center linking to the television or camera in response to the exposure list being updated by input from a mediator, said control center having a computerized linking or interface. Claims 1 and 11 in the present application details a control center linking to the projectors in response to the exposure list being updated by input from a mediator, said control center having a computerized linking or interface. While worded differently the limitation in each case is essentially the same. Generally Claim 1 of the present application is broader in scope but covers the same subject matter with respect to televisions and projectors.

Claims 2, 12, and 13 of the present application details a mediator and drive routines with round the clock updating. Claim 1 and 13 of patent (534) details a mediator and drive routines with real time updating. Claims 3 and 14 of the present

application details a system administrator able to update the exposure list. Claim 2 of patent (534) details a system administrator able to update the exposure list. Claims 4 and 15 details a remote computerized device and database having storage. Claim 5 of patent (534) details a remote station computer and memory buffer for storing received data. Claims 5 and 16 details a reserved instruction fields. Claim 8 and 20 of patent (534) details a reserved instruction field. Claims 6 and 17 details control instructions placed in a queue. Claims 9 and 21 of patent (534) details a control instructions placed in a queue. Claims 7 and 18 of the present application details a sensing of non-functioning. Claim 10 of patent (534) details a detecting a nonfunctioning state. Claims 8, 9, and 19-21 of the present application detail a television having a unique address. Claims 1 and 13 details having independently selected projectors, which must have an address or switch to be selected. Generally the claims of the present application are broader in scope but covers the same subject matter with respect to televisions and projectors.

Claims 1-21 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 5, 8, 9, 10, 13, 20, and 21 of copending Application No. 09/821,969. Although the conflicting claims are not identical, they are not patentably distinct from each other because they essentially claim the same subject matter with the distinction being the control of television sets or cameras versus projectors. Television sets are known in the art to be of the projector type. Wherein said claims detail an exposure list and dynamic booking of information in time for exposure from mediators. Claims 1 and 11 in the

Art Unit: 2673

present application details a method of coordinating and controlling projectors. Claim 1 and 13 in the application (969) details a method of coordinating and controlling television sets and or cameras. The distinction being television sets or cameras versus projectors. Televisions are known to have projector systems. Claims 1 and 11 in the present application details generating an exposure list comprising control instructions with regard to what, when, where, and how. Claim 1 and 13 in the application (969) details generating an exposure list that specifies display content, display location, timing of display, and duration of such display. While worded differently the limitation in each case is essentially the same. Claims 1 and 11 in the present application details an exposure list being updated in real time. Claim 1 and 13 in the application (969) details an exposure list being updated in real time. While worded differently the limitation in each case is essentially the same. Claims 1 and 11 in the present application details independent control of the television or camera as provided by the information in the exposure list. Claim 1 and 13 in the application (969) details independent control of the projectors as provided for by the information in the exposure list. While worded differently the limitation in each case is essentially the same. Claims 1 and 11 in the present application details a control center linking to the television or camera in response to the exposure list being updated by input from a mediator. Claim 1 and 13 in the application (969) details a control center linking to the projectors in response to the exposure list being updated by input from a mediator. While worded differently the limitation in each case is essentially the same. Generally Claim 1 of the present

application is broader in scope but covers the same subject matter with respect to televisions and projectors.

Claims 2, 12, and 13 of the present application details a mediator and drive routines with round the clock updating. Claim 1 and 13 of patent application (969) details a mediator and drive routines with real time updating. Claims 3 and 14 of the present application details a system administrator able to update the exposure list. Claim 2 of application (969) details a system administrator able to update the exposure list. Claims 4 and 15 details a remote computerized device and database having storage. Claim 5 of application (969) details a remote station computer and memory buffer for storing received data. Claims 5 and 16 details a reserved instruction fields. Claim 8 and 20 of application (969) details a reserved instruction field. Claims 6 and 17 details control instructions placed in a queue. Claims 9 and 21 of application (969) details a control instructions placed in a queue. Claims 7 and 18 of the present application details a sensing of non-functioning. Claim 10 of application (969) details a detecting a nonfunctioning state. Claims 8, 9, and 19-21 of the present application detail a television having a unique address. Claims 1 and 13 details having independently selected projectors, which must have an address or switch to be selected. Generally the claims of the present application are broader in scope but covers the same subject matter with respect to televisions and projectors.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 6006159, 6144848, 5109384.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **David L. Lewis** whose telephone number is **(571) 272-7673**. The examiner can normally be reached on MT and THF from 8 to 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached on (571) 272-7681. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231


or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

April 4, 2005


BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Application/Control Number: 09/135,549

Page 8

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Patent and Trademark Office

INFORMATION DISCLOSURE STATEMENT

Date: November 3, 1998

Page 1 of 1

Dkt. No. 255503 P33146US02UDO
 Applicant: HYLIN, et al.
 Appln. No.: 09/135,549
 Filing Date: August 18, 1998
 Examiner: Unknown Group Art Unit: 2774

U.S. PATENT DOCUMENTS							
Examiner's Initials*		Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	SubClass	Filing Date (if appropriate)
	AR						
	BR						
	CR						
	DR						
	ER						
	FR						
	GR						
	HR						
	IR						
	JR						
	KR						
	LR						
	MR						
	NR						

FOREIGN PATENT DOCUMENTS								English Abstract		Translation Readily Available	
		Document Number	Date MM/YYYY	Country	Inventor Name	Class	SubClass	Enclosed	No	Enclose	No
	OR	2288474	10/1995	UK	Ingo Berger			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	PR							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	QR							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	VR							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	XR							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OTHER (Including in this order: Author, Title, Periodical Name, Date, Pertinent Pages, etc.)								English Abstract		Translation Readily Available	
	YR	Sueddeutsche Zeitung, January 2, 1996, page 26									
	ZR										
	AAR										
	ABR										
	ACR										
	ADR										

Examiner

Date Considered: 4/3/05

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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Complete if Known

Application Number	09/135,549
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Filing Date	8/18/98
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Filing Date	8/18/98
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First Named Inventor	Hylin, et al.
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Group Art Unit	2774
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Examiner Name

Attorney Docket Number	19480-2506002
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Sheet 2 of 2

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Signature**

Date Considered

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Notice of References Cited	Application/Control No. 09/135,549	Applicant(s)/Patent Under Reexamination HYLIN ET AL.	
	Examiner David L Lewis	Art Unit 2673	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,006,159	12-1999	Schmier et al.	340/988
	B	US-6,144,848	11-2000	Walsh et al.	455/419
	C	US-5,109,384	04-1992	Tseung, Lawrence C. N.	714/748
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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	Q					
	R					
	S					
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
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